

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SKANSKA USA BUILDING INC.,

Plaintiff,

-against-

REGENERON PHARMACEUTICALS INC.,

Defendant.

ORDER

23-CV-08418(PMH)

PHILIP M. HALPERN, United States District Judge:

A Discovery Dispute Conference was held on May 7, 2025, concerning the issues raised in four discovery dispute letters, Docs. 127, 147, 151, and 154. Counsel for all parties appeared.

For the reasons set forth on the record, the Court ruled as follows:

The Court denied Skanska's request to compel Regeneron to make witness designations in response to Skanska's Fed. R. Civ. P. 30(b)(6) notice or, in the alternative, to preclude testimony by Regeneron regarding these topics, and to award reasonable attorneys' fees and costs against Regeneron (Doc. 127).

The Court granted Skanska and Regeneron leave to depose their Rule 30(b)(6) witnesses, which the parties represented to be four individuals for each party, by June 23, 2025.

The Court denied Regeneron's request to quash, pursuant Fed. R. Civ. P. 45, a subpoena duces tecum and ad testificandum issued by Skanska to non-party Montesano Brothers, Inc. (Doc. 147). However, under Fed. R. Civ. P. 37, the Court is not enforcing the subpoena, nor is fact discovery extended for Skanska to obtain these documents or take this deposition.

The Court denied Skanska's request to (i) preclude Regeneron from offering evidence of any payments made by Regeneron to Suffolk Construction Company ("Suffolk") outside of those identified in documents produced by Regeneron to date; (ii) for an order requiring Regeneron to

re-produce Shannon Rooney for further examination by Skanska at Regeneron's full expense, including counsel fees, transportation costs, and court reporter fees; (iii) for an order precluding Regeneron from offering into evidence any documents previously designated as Attorneys' Eyes Only or testimony regarding same; and (iv) an award of sanctions against Regeneron for suppression of evidence.

The Court denied Skanska's request for leave to file a motion to (i) compel Regeneron to produce all Human Resource Complaints regarding Benjamin Suzuki, Executive Director of Regeneron's Real Estate and Facilities Management, Engineering, Design and Construction Department; (ii) for an order requiring Regeneron to re-produce Suzuki for further examination by Skanska at Regeneron's full expense, including counsel fees, transportation costs, and court reporter fees; and (iii) an award of sanctions against Regeneron for suppression of evidence (Docs. 153, 154).

See Transcript.

The Clerk of Court is respectfully requested to terminate the pending letter-motions addressed herein: Docs. 147, 151, 153, and 154.

Dated: White Plains, New York
May 7, 2025

SO ORDERED:



Philip M. Halpern
United States District Judge